

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEISHA JONES,

Plaintiff,

-against-

EQUIFAX, INC., et al.

Defendant.

Civil Action No. 11-9136
(CM) (KNF)

**DECLARATION OF JOSEPH A. STRAZZERI IN SUPPORT OF
DEFENDANT EXPERIAN INFORMATION SOLUTIONS, INC.'S
MOTION FOR SUMMARY JUDGMENT**

JOSEPH A. STRAZZERI declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney with the law firm Jones Day, counsel to Experian Information Solutions, Inc. ("Experian") in the above-captioned action. I am fully familiar with the facts and proceedings described herein. I submit this declaration in support of Experian's motion for summary judgment dismissing Plaintiff's Amended Complaint. In support of this motion, I also submit the attached Declaration of Jason Scott, dated May 8, 2013 ("Scott Decl.").

INTRODUCTION

2. Plaintiff claims that Experian violated Section 1681i of the Fair Credit Reporting Act ("FCRA") by failing to conduct a reasonable reinvestigation in response to her disputes concerning credit accounts with Central Financial Control ("CFC") and Comcast Cable Communications ("Comcast"). She has not been denied credit and is not claiming any actual damages. Rather, Plaintiff seeks only statutory and punitive damages. To recover such damages, Plaintiff must show that Experian knowingly and intentionally violated the FCRA or acted with reckless disregard of the law. She cannot meet that burden, because Experian's

reinvestigation cannot be considered willful noncompliance with the FCRA as a matter of law. Plaintiff's claims should also be dismissed because there is no evidence that Experian ever issued a consumer credit report containing the disputed items to a third party after Experian's reinvestigation, which is required for there to be any liability under the FCRA. Additionally, Plaintiff's claims fail because she alleges no actual damages, which are required to confer standing under Article III of the United States Constitution and to state a claim under FCRA Section 1681i. For these reasons, Experian's motion for summary judgment should be granted.

PROCEDURAL HISTORY

3. On December 9, 2011, Plaintiff Keisha Jones, *pro se*, filed a Complaint against three credit reporting agencies (Equifax, Experian, and Trans Union), Bilateral Credit Corporation, Hahnemann University Hospital, Central Financial Control, and Comcast Cable, along with a request to proceed *in forma pauperis*. Experian was served a copy of the Complaint on February 16, 2012 and filed its Answer on March 2, 2012. On March 7, 2012, Plaintiff filed an Amended Complaint. Experian served an Answer to the Amended Complaint on March 19, 2012. True and correct copies of Plaintiff's Amended Complaint and Experian's Answer to the Amended Complaint are attached hereto as Exhibit A. The Court entered a Civil Case Management Plan on June 26, 2012, which provided for discovery to conclude by December 7, 2012. Both Plaintiff and Experian exchanged Interrogatories and Requests for Documents in August and September 2012. On October 4, 2012, the law firm Fishman & Mallon appeared in this action as counsel for Keisha Jones. Experian served a notice for Plaintiff's deposition on December 18, 2012, and her deposition was taken on January 10, 2013. Plaintiff served a notice for Experian's Rule 30(b)(6) deposition on February 20, 2013, and the deposition was taken on April 4, 2013. Bilateral Credit Corporation was dismissed from the case by Stipulation and

Order dated July 10, 2012, and Plaintiff has since obtained a settlement with the other defendants in this action. The deadline for discovery was extended twice to March 7, 2013 and has since passed.

EXHIBITS

4. True and correct copies of the following exhibits are annexed hereto:

- Exhibit A - Amended Complaint, dated March 7, 2012, and Experian's Answer to the Amended Complaint, dated March 19, 2012
- Exhibit B - Excerpts from the Deposition of Keisha Jones, dated January 10, 2013 (Redacted)
- Exhibit C - Plaintiff's Supplemental Responses to Experian's First Set of Interrogatories, dated December 10, 2012 (Redacted), and Plaintiff's Supplemental Responses to Experian's First Request for Production of Documents, dated December 20, 2012
- Exhibit D - Administrative Report (EXP1177-97) – **Confidential** (Filed Under Seal)
- Exhibit E - Consumer File Disclosure, dated October 2, 2007 (EXP1052-75) (Filed Under Seal)
- Exhibit F - Disclosure and D/R Log Reports (EXP1150-76) – **Confidential** (Filed Under Seal)
- Exhibit G - Automated Consumer Dispute Verification (ACDV) Response from Central Financial Control (EXP18-19) (Filed Under Seal)
- Exhibit H - Consumer File Disclosure, dated June 18, 2004 (EXP502-21) (Filed Under Seal)
- Exhibit I - Plaintiff's Correspondence to Experian (EXP5-6) (Redacted)
- Exhibit J - Consumer File Disclosure, dated March 3, 2011 (EXP98-119) (Filed Under Seal)
- Exhibit K - Automated Consumer Dispute Verification (ACDV) Response from Central Financial Control (EXP23-24) (Filed Under Seal)
- Exhibit L - Consumer File Disclosure, dated January 4, 2013 (Jones Dep. Ex. 13) (Filed Under Seal)
- Exhibit M - Consumer File Disclosure, dated November 25, 2011 (EXP140-161) (Filed Under Seal)

- Exhibit N - Consumer Dispute Verification (CDV) Response from Comcast Cable (EXP22) (Filed Under Seal)
- Exhibit O - Consumer File Disclosure, dated December 9, 2011 (EXP162-81) (Filed Under Seal)
- Exhibit P - Voluntary Petition, *In re Keisha Jones*, No. 06-10683 (Bankr. S.D.N.Y.)
- Exhibit Q - Notice of Motion, *In re Keisha Jones*, No. 06-10683 (Bankr. S.D.N.Y.)
- Exhibit R - Proposed Repayment Plan, *In re Keisha Jones*, No. 06-10683 (Bankr. S.D.N.Y.)
- Exhibit S - Complaint, *Keisha Jones v. Commerce Bankcorp, Inc.*, No. 24149-05 (Sup. Ct. Bronx Cnty.)
- Exhibit T - Order & Opinion, *Keisha Jones v. Commerce Bank, N.A.*, No. 06-CV-835 (S.D.N.Y. Sept. 15, 2006)
- Exhibit U - Police Report, New York City Police Department
- Exhibit V - Plaintiff's Supplemental Responses to Experian's First Request for Admissions, dated December 10, 2012
- Exhibit W - Plaintiff's Responses to Experian's Request for Documents and Revised Interrogatories, dated September 26, 2012, Experian's First Request for Documents, dated August 3, 2012, and Experian's Revised First Set of Interrogatories, September 4, 2012
- Exhibit X - Consumer File Disclosure, dated February 20, 2011 (EXP272-299) (Filed Under Seal)
- Exhibit Y - New York Driver's License, Keisha Jones, produced on January 9, 2013 (Redacted)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 9, 2013

/s/ Joseph A. Strazzeri
Joseph A. Strazzeri (JP8414)